

the method of claim 1.

REMARKS

1. Claims 1, 17 and 18 have been amended.

2. In Paragraph 4 of the Office Action the Examiner has rejected claim 8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is said that the recitation of "sample" and "amount" in claim 8 lacks antecedent basis in claim 1.

Applicant respectfully traverses this rejection. The recitation of "sample" and "amount" in claim 8 has antecedent basis in claim 1. Applicant believes that the term "predetermined amount" clearly refers to the volume removed.

3.A. In Paragraph 5 of the Office Action, claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Katopodis (WO92/08976) in view of Chondros et al (Anticancer Research, 1991, Vol. 11, pp. 2103-2106) and Stoscheck (Quantitation of Protein, In: Guide To Protein Purification, Deutscher, Ed., 1990, pp. 50-68) as evidenced by Jones et al (U.S. 5,236,927).

B. In Paragraph 6 of the Office Action, claims 1-7, 9-13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katopodis et al (U.S. 5,296,346) in view of Chondros et al (Anticancer Research, 1991, Vol. 11, pp. 2103-2106) and Stoscheck (Quantitation of Protein, In: Guide To Protein Purification Deutscher, Ed.,

1990, pp. 50-68) as evidenced by Jones et al (U.S. 5, 236,927).

C. In Paragraph 7 of the Office Action, claims 1-7, 9-13, 15-18 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 5,296,346 in view of Chondros et al (Anticancer Research, 1991, Vol. 11, pp. 2103-2106) and Stoscheck (Quantitation of Protein, In: Guide To Protein Purification, Deutscher, Ed., 1990, pp. 50-68) as evidenced by Jones et al (U.S. 5,236.927).

Applicant respectfully traverses these rejections on the following grounds:

1. Chondros et al does no more than apply the prior teachings of Katopodis with respect to the measurement of the levels of total sialic acid (TSA) and lipid bound sialic acid (LSA) in body fluids other than blood. Chondros et al do not extract sialoprotein (SLP) from cerebrospinal fluid. Moreover, in the method of Chondros et al the sample is first centrifuged resulting in the loss of most of the cellular material. Only the supernatant is measured for levels of TSA and LSA. Also it is noted that Chondros measures fluids which are extracted from cysts by needle aspiration. In the method of invention, the sample of CSF is not first centrifuged. The entire sample is used to extract the SLP for a stronger and more accurate marker.

2. Stoscheck adds absolutely nothing to the analysis. It is well known that in many contexts protein material can become contaminated and many procedures exist for washing the protein to eliminate the contaminants.

3. The Examiner acknowledges that neither of the Katopodis prior art

references teaches the extraction of SLP from CSF which is the essence of the method of the subject invention. The double patenting rejection is, therefore, prima facie incorrect.

CONCLUSION

Applicant submits that the subject application, as amended herein, is now ready for allowance.

Respectfully submitted,

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